

## SMALL BUSINESS ECONOMIC IMPACT STATEMENT

### *For Rules Concerning Physical Therapists and Physical Therapist Assistants*

#### WAC 246-915

#### **Proposed Amendatory Sections:**

WAC 246-915-040 Licensure by endorsement-Applicants from approved schools

WAC 246-915-050 Expired License

WAC 246-915-100 Approved physical therapy schools

WAC 246-915-105 Approved physical therapist assistant schools

WAC 246-915-180 Professional conduct principles

#### **1. Briefly describe the proposed rule.**

The proposed rule amendments seek to increase the standards of appropriateness of physical therapy care in accordance with RCW 18.74.025.

#### Changes for Clarification:

- Extend physical therapy licensure eligibility requirements from 2 years to 3 years without employment.
- Change language from continuing education to continuing competency for board scrutiny of licensees that have not worked in physical therapy for 3 years.
- Amend the title of WAC 246-915-050 from Expired license to Reinstatement. The change better describes the intent of the section.
- Rephrase the reinstatement requirements for a practitioner whose license has been expired for over three years, and has not been in active practice in another United States jurisdiction. The change in language clarifies the authority of the Board to decide on reexamination and/or other evidence necessary to ensure the applicant is professionally competent before returning to active practice in Washington State.
- Recognize and clarify the role of the Commission on Accreditation in Physical Therapy Education, the division within the American Physical Therapy Association responsible for establishing educational standards and developing appropriate systems for outcome measurements within U.S. physical therapy education programs. The current rule adopts the educational standards for U.S. physical therapy programs established by the American Physical Therapy Association.
- Recognize the role of the American Physical Therapy Association's Commission on Accreditation in Physical Therapy Education in establishing the education standards for

physical therapist assistants. A board approved physical therapist assistant program in shall mean a United States physical therapist assistant education program accredited by the American Physical Therapy Association's Commission on Accreditation in Physical Therapy Education's Commission on Accreditation in Physical Therapy Education or a United States military physical therapy technician program that is substantially equal to an accredited United States physical therapist assistant program. The regulation of physical therapist assistants is not authorized under RCW 18.74. While the supervising physical therapist is trained to provide the examination, evaluation, diagnosis, prognosis, and treatment plan, physical therapist assistants are considered paraprofessionals who work under the direction and supervision of the physical therapist and are trained to provide physical therapy interventions. Given that physical therapist assistants are not required to work under direct supervision and frequently work in unsupervised settings such as home health and public schools, this rule is necessary to establish that physical therapist assistants meet minimum educational qualifications in order to protect the public.

#### Changes Imposing Additional Requirements:

- Prohibit physical therapists from receiving reimbursement for self evaluation and self directed treatment. The restriction is necessary to protect the public from excessive charging and an over-utilization of physical therapy services.
- Require physical therapists to only delegate physical therapy tasks to trained supportive personnel as defined in WAC 246-915-010 (4)(a) and (b). The amendment seeks to protect the public from the delegation of physical therapy services to untrained, unskilled, and unqualified individuals.

## **2. Is a Small Business Economic Impact Statement (SBEIS) required for this rule?**

No. Insurance companies spread the costs associated with self treatment among enrollees. Even though they use different methods of risk pooling to spread the extra costs, the share of the extra costs to small businesses do not seem to be significant

The change of language in the reinstatement section (WAC 246-915-050) does not create any new requirements and there is no added financial impact to the approximately 65 reinstatement applicants each year. The associated costs for the proposed rule are zero because the change is for clarification.

The recognition of approved physical therapy schools (WAC 246-915-100) and approved physical therapist assistant schools (WAC 246-915-105) are meant to clarify the role of the Commission on Accreditation in Physical Therapy Education, the division within the American Physical Therapy Association responsible for establishing educational standards and developing appropriate systems for outcome measurements within U.S. physical therapy education programs and standards for physical therapist assistants. This rule amendment does not change current standards.

New requirements that prohibit physical therapists from receiving reimbursement for self evaluation and/or self directed treatment (WAC 246-915-180 (10) and the delegation of physical therapy tasks to trained personnel (WAC 246-915-180 (11) are meant to protect Washington State from excessive charging and over-utilization of services. Only minimal costs will be generated for physical therapy practitioners who provide physical therapy services in a professional and ethical manner.

### **3. Which industries are affected by this rule?**

In preparing this small business economic impact statement (SBEIS), the Department of Health used the following SIC codes:

<b>SIC</b>	<b>Description</b>	<b>Minor Impact Threshold (\$)</b>
8051	Skilled nursing care facilities	195.64
8052	Intermediate care facilities	66.10
8059	Nursing and personal care, nec	66.10
8062	General medical & surgical hospital	396.57
8069	Specialty hospitals exc. Psychiatric	237.94
8082	Home health care services	122.94
8093	Specialty outpatient clinic, nec	116.33
8099	Health and allied services, nec	66.10

### **4. How are small businesses involved in the development of this rule?**

During the comment period, town meetings were held and draft rules were sent to all Washington State licensed physical therapists and all known physical therapist assistants through the Physical Therapy Association of Washington.